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PART III.

Legislative Measures and Rules thereunder.

REGULATION No. V OF 1903.

(PASSED ON THE 14TH DAY OF DECEMBER 1903.)

A Regulation to amend the law relating to the punishment of Whipping.

WHEREAS it is expedient to amend the law relating to the punishment of whipping; His Highness the Maharaja is pleased to enact as follows :—

Preamble.

Short title. 1. This Regulation may be called the Mysore Whipping Regulation, 1903;

Extent and Commencement. It extends to the whole of Mysore; and

It shall come into force at once.

Repeal. Act VI of 1864 as in force in Mysore is hereby repealed.

Whipping added to the Punishments described in section 53 of the Penal Code. 2. In addition to the punishments described in Section 53 of the Indian Penal Code, offenders are also liable to whipping.

Offences punishable with whipping in lieu of other punishment prescribed by Penal Code. 3. Whoever commits any of the following offences may be punished with whipping in lieu of any punishment to which he may for such offence be liable under the Indian Penal Code, that is to say :—

Group A.

(1) theft, as defined in section 378 of the said Code;

(2) theft in a building, tent or vessel, as defined in section 380 of the said Code;

(3) theft by a clerk or servant, as defined in section 381 of the said Code;

(4) theft after preparation for causing death or hurt, as defined in section 382 of the said Code;

Group B.

(5) extortion by threat, as defined in section 388 of the said Code;

(6) putting a person in fear of accusation in order to commit extortion, as defined in section 389 of the said Code;

Group C.

(7) dishonestly receiving stolen property, as defined in section 411 of the said Code;

(8) dishonestly receiving property stolen in the commission of a dacoity, as defined in section 412 of the said Code;

Group D.

(9) lurking house-trespass, or house-breaking, as defined in sections 443 and 445 of the said Code, in order to the committing of any offence punishable with whipping under this section;

(10) lurking house-trespass by night, or house-breaking by night, as defined in sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this section.

4. Whoever, having been previously convicted of any one of the offences specified in the last preceding section, shall again be convicted of the same offence or of any offence included in the same Group of offences, may be punished with whipping in lieu of or in addition to any other punishment to which he may for such offence be liable under the Indian Penal Code.

On second conviction of offence mentioned in section 3, whipping may be added to other punishment.

5. Whoever, having been previously convicted of any one of the following offences, shall be again convicted of the same offence, or of any offence included in the same Group of offences, may be punished with whipping in addition to any other punishment to which he may be liable under the Indian Penal Code, that is to say:—

Offences punishable, in case of second conviction, with whipping in addition to other punishment.

Group A.

(1) giving or fabricating false evidence in such manner as to be punishable under section 193 of the Indian Penal Code;

(2) giving or fabricating false evidence with intent to procure conviction of a capital offence, as defined in section 194 of the said Code;

(3) giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation or imprisonment, as defined in section 195 of the said Code;

Group B.

(4) falsely charging any person with having committed an unnatural offence, as defined in sections 211 and 377 of the said Code;

Group C.

(5) assaulting or using criminal force to any woman with intent to outrage her modesty as defined in section 354 of the said Code;

(6) rape, as defined in section 375 of the said Code;

(7) unnatural offences, as defined in section 377 of the said Code;

Group D.

(8) robbery or dacoity, as defined in sections 390 and 391 of the said Code;

(9) attempting to commit robbery, as defined in section 393 of the said Code;

(10) voluntarily causing hurt in committing robbery, as defined in section 394 of the said Code;

Group E.

(11) habitually receiving or dealing in stolen property, as defined in section 413 of the said Code;

Group F.

(12) forgery, as defined in section 463 of the said Code;

(13) forgery of a document, as defined in section 466 of the said Code;

(14) forgery of a document, as defined in section 467 of the said Code;

(15) forgery for the purpose of cheating, as defined in section 468 of the said Code;

(16) forgery for the purpose of harming the reputation of any person, as defined in section 469 of the said Code;

Group G.

(17) lurking house-trespass, or house-breaking, as defined in sections 443 and 445 of the said Code, in order to the committing of any offence punishable with whipping under this section;

(18) lurking house-trespass by night, or house-breaking by night, as defined in sections 444 and 446 of the said Code, in order to the committing of any offence punishable with whipping under this section.

6. Whenever the Government has, by notification in the official Gazette, declared the provisions of this section to be in force in any local area in Mysore, any person in that local area, who, being a member of an assembly of two or more persons, the common object of which assembly is to commit rape as defined in section 375 of the Indian Penal Code, abets, commits or attempts to commit such offence, may be punished with whipping in addition to any other punishment to which, for such abetment, offence or attempt, he may be liable under the said Code.

Additional punishment of whipping for rape in certain cases.

7. Any juvenile offender who abets, commits or attempts to commit—

Juvenile offenders when punishable with whipping.

(*a*) any offence which is punishable under the Indian Penal Code otherwise than with death, or

(*b*) any offence which is punishable under any other law with imprisonment,

may be punished with whipping in lieu of any other punishment to which he may for such offence, abetment or attempt be liable:

Provided that the Government may, by notification in the official Gazette, direct that the punishment of whipping shall not be inflicted in respect of such offences falling under clause (*b*) as it may think fit to specify in this behalf.

Explanation—In this section the expression "juvenile offender" means an offender whom the Court, after making such enquiry (if any) as may be deemed necessary, shall find to be under 16 years of age, the finding of the Court in all cases being final and conclusive.

P. N. KRISHNAMURTI,

Dewan of Mysore.